

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELI WILNER & CO. INC., et al.,

Plaintiff(s),

v.

TITANZ LLC, et al.,

Defendant(s).

23 Civ. 11084 (DEH)

ORDER

DALE E. HO, United States District Judge:

On December 21, 2023, Plaintiffs filed the Complaint, alleging RICO claims against six Defendants. *See* Dkt. No. 1. On December 29, 2023, Defendants The Better Choice Lenders, Inc. and Ezzat (Tom) Ishak (the “Moving Defendants”) filed a motion to dismiss. *See* Dkt. No. 18. The motion seeks to dismiss the Complaint to the extent it alleges claims against the Moving Defendants. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the Complaint once as a matter of course.

Accordingly, it is hereby **ORDERED** that Plaintiff shall file any amended complaint by **January 19, 2024**. Any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the Complaint to address issues raised by the motion to dismiss, namely the sufficiency of the claims alleged against the Moving Defendants.

If Plaintiff does amend, by **February 9, 2024**, the Moving Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If the Moving Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If the Moving Defendants file a new motion to dismiss or indicate that they rely on their previously filed motion to dismiss, any opposition shall be filed by **March 1, 2024**, and any reply shall be filed by **March 8, 2024**.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **January 19, 2024**. The Moving Defendants’ reply, if any, shall be filed by **January 26, 2024**.

SO ORDERED.

Dated: January 2, 2024
New York, New York


DALE E. HO
United States District Judge